

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

United States of America

v.

03-cr-231-01-PB

Kelley Balkam

O R D E R

On February 2, 2009, defendant appeared for a "probable cause" hearing under Fed. R. Crim. P. 32.1 on two alleged violations of conditions of supervision. Defendant paid for and accepted nine (9) telephone calls from Vanessa Bentley in violation of the stalking statute. She disobeyed her probation officer. I therefore find probable cause to hold her for a revocation hearing.

Defendant sought bail conditions under Rule 32.1(a)(6). Under Rule 32.1(a)(6) defendant bears the burden of establishing by clear and convincing evidence that she will not flee and that she poses no danger to any other person or to the community. Defendant has a history of violence and is in need of anger management. She is a danger to the community. There are no conditions which are likely to assure her presence and the safety of the community.

Accordingly, it is **ORDERED** that the defendant be detained

pending trial.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SO ORDERED.


James R. Muirhead
United States Magistrate Judge

Date: February 6, 2009

cc: Benjamin Falkner, Esq.
Robert Kinsella, Esq.
U.S. Marshal
U.S. Probation